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10 division of Capital One, N.A.

11 **UNITED STATES BANKRUPTCY COURT**

12 **DISTRICT OF ARIZONA**

13 In re:

No. 4:16-bk-13570-SHG

14 Jason Edward Vanwormer and Theresa Marie
15 Vanwormer,

Chapter 13 Proceeding

16 Debtors.

**CERTIFICATE OF NO OBJECTION TO
MOTION FOR RELIEF FROM STAY
And
NOTICE OF LODGING THE PROPOSED
FORM OF ORDER**

17 Capital One Auto Finance, a division of Capital
18 One, N.A.,

19 Movant,

Property Description:

2016 Kia Soul VIN KNDJN2A26G7274726

21 v.

22 Jason Edward Vanwormer and Theresa Marie
23 Vanwormer,

24 Respondents.

25 1. I am an attorney with the law firm of Windtberg & Zdancewicz, PLC, which
26 represents Movant in this action.

2. On November 19, 2018, I caused to be mailed true and correct copies of the
following:

a. Notice of Motion for Relief from the Automatic Stay,

b. Motion for Relief from the Automatic Stay, and

c. Proposed Order Granting Motion for Relief from the Automatic Stay
(collectively the “**Pleadings**”) to the persons and entities listed below:

Dianne C. Kerns Chapter 13 Trustee 7320 North La Cholla #154 PMB 413 Tucson AZ 85741-2305	Daniel E. Garrison Attorney at Law The Turnaround Team 1166 E. Warner Rd. Ste. 205 Gilbert AZ 85296
Jason Edward Vanwormer 9662 East Nido Avenue Mesa AZ 85209	Theresa Marie Vanwormer 9662 East Nido Avenue Mesa AZ 85209
Jordyn M Vanwormer 4079 E. Jasper Dr. Gilbert AZ 85296	

3. At least Eighteen (18) days have elapsed from when the Pleadings were mailed, and no objection has been received.

4. Notice is hereby given that the form of Order, a copy of which is attached hereto, is being lodged with the court.

Dated: December 7, 2018.

WINDTBERG & ZDANCEWICZ, PLC
/s/ Michael Zdancewicz (#012426)
Michael Zdancewicz
Marc Windtberg
Post Office Box 51826
Phoenix, Arizona 85076
Attorneys for Capital One Auto Finance, a
division of Capital One, N.A.

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Certificate of Service

I certify that on December 7, 2018, a true and correct copy of the above and foregoing was served upon the following parties via electronic means as listed on the Court's ECF noticing system, if available, otherwise by regular first-class mail:

Dianne C. Kerns Chapter 13 Trustee 7320 North La Cholla #154 PMB 413 Tucson AZ 85741-2305	Daniel E. Garrison Attorney at Law The Turnaround Team 1166 E. Warner Rd. Ste. 205 Gilbert AZ 85296
Jason Edward Vanwormer 9662 East Nido Avenue Mesa AZ 85209	Theresa Marie Vanwormer 9662 East Nido Avenue Mesa AZ 85209
Jordyn M Vanwormer 4079 E. Jasper Dr. Gilbert AZ 85296	

/s/ Michael Zdancewicz

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7 **UNITED STATES BANKRUPTCY COURT**
8 **DISTRICT OF ARIZONA**

9 In re:

No. 4:16-bk-13570-SHG

10 Jason Edward Vanwormer and Theresa Marie
11 Vanwormer,

Chapter 13 Proceeding

12 Debtors.

**ORDER GRANTING MOTION FOR
RELIEF FROM THE AUTOMATIC
STAY**

13 Capital One Auto Finance, a division of Capital
14 One, N.A.,

And

**ORDER GRANTING MOTION FOR
RELIEF FROM THE CODEBTOR STAY**

15 Movant,

16 v.

Property Description:

17 Jason Edward Vanwormer and Theresa Marie
18 Vanwormer,

2016 Kia Soul VIN KNDJN2A26G7274726

19 Respondents.

20 Pursuant to the Motion for Relief from the Automatic Stay (the “**Motion**”) filed by Capital
21 One Auto Finance, a division of Capital One, N.A. (the “**Creditor**” or “**Movant**”) relating to the
22 Collateral described as 2016 Kia Soul VIN KNDJN2A26G7274726 (hereafter the “**Collateral**”)
23 having been duly noticed and there being no objection:

24 IT IS ORDERED terminating the automatic stay as to the Collateral.

25 IT IS ORDERED terminating the Codebtor stay as to the Collateral.
26

1 IT IS FURTHER ORDERED that all stays, including without limitation, confirmation
2 orders, injunctions, restraining orders, and the automatic stays provided by 11 U.S.C. § 362 and §
3 524, and 1301 be vacated with respect to the Collateral, or modified to permit Creditor or its
4 agents, attorneys, employees, assignees and such other persons as the Court shall deem appropriate
5 to take any and all lawful actions to enforce its claim to and assert its ownership rights to the
6 Collateral under the subject Contract, and non-bankruptcy law, including without limitation the
7 rights (to declare all sums to be immediately due and payable) and to obtain possession of the
8 Collateral through any lawful action.

9 IT IS FURTHER ORDERED waiving the fourteen (14) day provision of Bankruptcy Rule
10 4001(a)(3) that would stay the effectiveness of this Order.

11 IT IS FURTHER ORDERED this Order is binding in the event this matter is converted to
12 another proceeding under the Bankruptcy Code.

13 IT IS FURTHER ORDERED Movant may file an amended proof of claim for any
14 deficiency balance within thirty (30) days of disposition of the Collateral, or by the claims bar date,
15 whichever is later.

16 **[Signed and dated above]**
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